

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**IN RE: BOSTON SCIENTIFIC CORP.
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION**

MDL NO. 2326

**PRETRIAL ORDER # 148
(Order Re: Qualified Settlement Fund –
Boston Scientific Corporation & Motley Rice LLC and Participating Firms)**

Motley Rice LLC and Participating Law Firms ("Plaintiffs' Counsel"), as counsel for certain plaintiffs and certain additional plaintiffs in *In Re: Boston Scientific Corp. Pelvic Repair Systems Products Liability Litigation*, MDL 2326 (S.D. W.Va.), have moved the court for entry of an Order to aid in the efficient processing and administration of a Confidential Master Settlement Agreement (the "Settlement Agreement") between Defendant Boston Scientific Corp. ("BSC") and Plaintiffs' Counsel to resolve the claims of certain claimants against BSC relating to BSC pelvic mesh products. [ECF No. 1467]. In particular, this Motion seeks an Order (1) approving the establishment of a Settlement Escrow account (the "Settlement Escrow") attached as Exhibit A; (2) retaining continuing jurisdiction and supervision over the Settlement Escrow; and (3) determining that the Settlement Escrow constitutes a "qualified settlement fund" within the meaning of section 468B of the Internal Revenue Code of 1986, as amended ("Code") and Treasury Regulation sections 1.468B-1, *et seq.*

The court, having reviewed the Motion, and finding good and sufficient cause therefore, hereby **FINDS** and **ORDERS** as follows:

- 1) The Motion is **GRANTED**;
- 2) The Settlement Escrow, including any subaccounts thereof, together constitutes a single qualified settlement fund within the meaning of section 468B of the Internal Revenue Code of 1986, as amended (the "Code") and Treasury Regulations sections 1.468B-1. *et seq.*;
- 3) The court approves the Settlement Escrow and the Escrow Agreement attached as Exhibit A to Plaintiffs' Counsel's Motion;

- 4) The court further retains continuing jurisdiction and supervision over the Settlement Escrow, in accordance with the terms of the Settlement Agreement;
- 5) The court of approves the appointment of Wells Fargo National Bank to serve as the Escrow Agent (“Escrow Agent”) and retains continuing jurisdiction over the Escrow Agent. The Escrow Agent shall administer the Settlement Escrow in accordance with the terms of the Settlement Agreement and/or Parties. Further, the funds held by the Escrow Agent in the Settlement Escrow shall be disbursed by the Escrow Agent only pursuant to and in conformance with the terms of the Settlement Agreement and/or Parties; and
- 6) The Settlement Escrow, by and through the Escrow Agent, is authorized to establish sub-accounts (with leave of court) and purchase and assign structured settlements.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2326 and it shall apply to each member related case previously transferred to, removed to, or filed in this district *where applicable*, which includes counsel in all member cases up to and including civil action number 2:16-cv-05811. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court’s website at www.wvsc.uscourts.gov.

ENTER: June 29, 2016



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE